

SB1725



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1725

Introduced 2/19/2009, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-5

from Ch. 38, par. 1003-3-5

Amends the Unified Code of Corrections. Provides that a person committed under the Juvenile Court Act of 1987 shall be released on parole to serve a period of no more than 6 months on parole. Provides that parole shall automatically terminate at the end of 6 months, if not terminated earlier, for all persons committed under the Juvenile Court Act of 1987. Provides that a person shall not be recommitted unless his or her parole is violated by a finding of guilt of a new offense under the Juvenile Court Act of 1987.

LRB096 07482 RLC 17575 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-5 as follows:

6 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

7 Sec. 3-3-5. Hearing and Determination.

8 (a) The Prisoner Review Board shall meet as often as need
9 requires to consider the cases of persons eligible for parole.
10 Except as otherwise provided in paragraph (2) of subsection (a)
11 of Section 3-3-2 of this Act, the Prisoner Review Board may
12 meet and order its actions in panels of 3 or more members. The
13 action of a majority of the panel shall be the action of the
14 Board. In consideration of persons committed to the Department
15 of Juvenile Justice, the panel shall have at least a majority
16 of members experienced in juvenile matters.

17 (b) If the person under consideration for parole is in the
18 custody of the Department, at least one member of the Board
19 shall interview him, and a report of that interview shall be
20 available for the Board's consideration. However, in the
21 discretion of the Board, the interview need not be conducted if
22 a psychiatric examination determines that the person could not
23 meaningfully contribute to the Board's consideration. The

1 Board may in its discretion parole a person who is then outside
2 the jurisdiction on his record without an interview. The Board
3 need not hold a hearing or interview a person who is paroled
4 under paragraphs (d) or (e) of this Section or released on
5 Mandatory release under Section 3-3-10.

6 (c) The Board shall not parole a person eligible for parole
7 if it determines that:

8 (1) there is a substantial risk that he will not
9 conform to reasonable conditions of parole; or

10 (2) his release at that time would deprecate the
11 seriousness of his offense or promote disrespect for the
12 law; or

13 (3) his release would have a substantially adverse
14 effect on institutional discipline.

15 (d) A person committed under the Juvenile Court Act or the
16 Juvenile Court Act of 1987 who has not been sooner released
17 shall be paroled on or before his 20th birthday to begin
18 serving a period of parole under Section 3-3-8. A person
19 committed under the Juvenile Court Act of 1987 shall be
20 released on parole to serve a period of no more than 6 months
21 on parole. Parole shall automatically terminate at the end of 6
22 months, if not terminated earlier, for all persons committed
23 under the Juvenile Court Act of 1987. A person shall not be
24 recommitted unless his or her parole is violated by a finding
25 of guilt of a new offense under the Juvenile Court Act of 1987.

26 (e) A person who has served the maximum term of

1 imprisonment imposed at the time of sentencing less time credit
2 for good behavior shall be released on parole to serve a period
3 of parole under Section 5-8-1.

4 (f) The Board shall render its decision within a reasonable
5 time after hearing and shall state the basis therefor both in
6 the records of the Board and in written notice to the person on
7 whose application it has acted. In its decision, the Board
8 shall set the person's time for parole, or if it denies parole
9 it shall provide for a rehearing not less frequently than once
10 every year, except that the Board may, after denying parole,
11 schedule a rehearing no later than 3 years from the date of the
12 parole denial, if the Board finds that it is not reasonable to
13 expect that parole would be granted at a hearing prior to the
14 scheduled rehearing date. If the Board shall parole a person,
15 and, if he is not released within 90 days from the effective
16 date of the order granting parole, the matter shall be returned
17 to the Board for review.

18 (g) The Board shall maintain a registry of decisions in
19 which parole has been granted, which shall include the name and
20 case number of the prisoner, the highest charge for which the
21 prisoner was sentenced, the length of sentence imposed, the
22 date of the sentence, the date of the parole, the basis for the
23 decision of the Board to grant parole and the vote of the Board
24 on any such decisions. The registry shall be made available for
25 public inspection and copying during business hours and shall
26 be a public record pursuant to the provisions of the Freedom of

1 Information Act.

2 (h) The Board shall promulgate rules regarding the exercise
3 of its discretion under this Section.

4 (Source: P.A. 94-696, eff. 6-1-06.)